

# **Exhibit B-4**

中国人民银行关于发布《金融机构协助查询、冻结、扣划工作管理规定》的通知[现行有效]

Notice of the People's Bank of China on Promulgating the Provisions on the Administration of Financial Institutions' Assistance in the Inquiry, Freeze or Deduction of Deposits

(No. 1 [2002] of the People's Bank of China)

All branches and business management departments of the People's Bank of China, all central sub-branches of the People's Bank of China in all provincial capital cities, all policy banks, wholly state-owned commercial banks, joint-stock commercial banks, China Postal Savings and Remittance Bureau, and financial companies directly under the supervision of the People's Bank of China:

In order to regulate financial institutions' assistance to competent organs in inquiring about, freezing and deducting the deposits of entities and individuals in financial institutions, we hereby promulgate the Provisions on the Administration of Financial Institutions' Assistance in the Inquiry, Freeze or Deduction of Deposits, and all the financial institutions are required to implement them accordingly.

All branches and business management departments of the People's Bank of China shall reprint this Notice and distribute it to all urban commercial banks, urban and rural credit cooperatives and financial companies within their respective jurisdictions.

People's Bank of China  
January 15, 2002

(相关资料:部门规章1篇实务指南)

中国人民银行各分行、营业管理部、省会(首府)城市中心支行、各政策性银行、国有独资商业银行、股份制商业银行、国家邮政储汇局、总行直接监管的财务公司:

为规范金融机构协助有权机关查询、冻结和扣划单位、个人在金融机构存款的行为,现发布《金融机构协助查询、冻结、扣划工作管理规定》,请各金融机构遵照执行。

请人民银行各分行、营业管理部将本通知翻印发至辖内城市商业银行、城乡信用社、财务公司。

中国人民银行

二〇〇二年一月十五日

附件： 金融机构协助查询、冻结、  
扣划工作管理规定

**第一条** 为规范金融机构协助有权机关查询、冻结和扣划单位、个人在金融机构存款的行为，根据《中华人民共和国商业银行法》及其它有关法律、行政法规的规定，制定本规定。

（相关资料：实务指南）

**第二条** 本规定所称“协助查询、冻结、扣划”是指金融机构依法协助有权机关查询、冻结、扣划单位或个人在金融机构存款的行为。

协助查询是指金融机构依照有关法律或行政法规的规定以及有权机关查询的要求，将单位或个人存款的金额、币种以及其他存款信息告知有权机关的行为。

协助冻结是指导金融机构依照法律的规定以及有权机关冻结的要求，在一定时期内禁止单位或个人提取其存款账户内的全部或部分存款的行为。

协助扣划是指金融机构依照法律的规定以及有权机关扣划的要求，将单位或个人存款账户内的全部或部分存款资金划拨到指定账户上的行为。

(相关资料:实务指南)

**第三条** 本规定所称金融机构是指

refers to the financial institutions (including foreign-funded financial institutions) that engage in the saving business according to law, including policy banks, commercial banks, urban and rural credit cooperatives, financial companies and postal savings institutions, etc. The financial institutions' assistance in the inquiry, freeze and deduction of deposits shall be specifically handled at the operational branches where the depositors open their accounts.

Article 4 The "competent organs" as mentioned in these Provisions refers to the judicial organs, administrative organs, military organs and public institutions exercising administrative functions (see the attached table) that have the right to inquire about, freeze and deduct the deposits of entities or individuals in financial institutions according to the clear prescriptions in the laws and administrative regulations.

Article 5 The assistance in the inquiry, freeze and deduction of deposits shall be governed by the principles of being consistent with the laws and regulations and not damaging the legitimate rights and interests of clients.

Article 6 A financial institution shall do a good job in the assistance work, establish and perfect relevant rules and systems, practically strengthen the management work on the assistance in the inquiry, freeze and deduction of deposits.

Article 7 A financial institution shall determine special departments or full-time employees in its operational branches to be responsible for receiving the competent organs that demand the assistance in the inquiry, freeze and deduction of deposits as well as timely handling the assistance work, and such departments or employees shall pay attention to the keeping of state secrets.

Article 8 The assisting personnel shall, when offering assistance in the inquiry of deposits, verify the work certificates of law enforcers and the notices on the assistance to the inquiry of deposits as issued by the competent organs at or above the level of county or regiment.

Article 9 The assisting personnel of a financial institution shall, when offering assistance in the freeze of deposits, verify the following certificates and legal documents:

- (1) the work certificates of the law enforcers of the competent organ;
- (2) the notice on the assistance to freeze of deposits as issued by the competent organ at or above the level of county or regiment, on which the main principal shall affix his name if any law or administrative regulation prescribes that the main principal of the competent organ should do so; and
- (3) the ruling on the freeze of deposits as issued by the people's court or the decision on the freeze of deposits as issued by any other competent organ.

Article 10 The assisting personnel of a financial institution shall, when offering the assistance to the deduction of deposits, verify the following certificates and legal documents:

- (1) the work certificates of law enforcers of the competent organ;
- (2) the notice on the assistance to deduction of deposits as issued by the competent organ at or above the level of county or regiment, on which the main principal shall affix his name if any law or administrative regulation prescribes that the main principal of the competent organ should do so; and
- (3) the relevant effective legal document or the relevant written decision made by an administrative organ.

Article 11 A financial institution shall, when offering assistance in freezing or deducting the deposits of an entity or individual, examine

依法经营存款业务的金融机构（含外资金融机构），包括政策性银行、商业银行、城市和农村信用合作社、财务公司、邮政储蓄机构等。金融机构协助查询、冻结和扣划存款，应当在存款人开户的营业分支机构具体办理。  
(相关资料:实务指南)

**第四条** 本规定所称有权机关是指依照法律、行政法规的明确规定，有权查询、冻结、扣划单位或个人在金融机构存款的司法机关、行政机关、军事机关及行使行政职能的事业单位（详见附表）。  
(相关资料:实务指南)

**第五条** 协助查询、冻结和扣划工作应当遵循依法合规、不损害客户合法权益的原则。  
(相关资料:实务指南)

**第六条** 金融机构应当依法做好协助工作，建立健全有关规章制度，切实加强协助查询、冻结、扣划的管理工作。  
(相关资料:实务指南)

**第七条** 金融机构应当在其营业机构确定专职能部门或专职人员，负责接待要求协助查询、冻结、扣划的有权机关，及时处理协助事宜，并注意保守国家秘密。  
(相关资料:实务指南)

**第八条** 办理协助查询业务时，经办人员应当核实执法人员的工作证件，以及有权机关县团级以上（含，下同）机构签发的协助查询存款通知书。  
(相关资料:实务指南)

**第九条** 办理协助冻结业务时，金融机构经办人员应当核实以下证件和法律文书：

- （一）有权机关执法人员的工作证件；
- （二）有权机关县团级以上机构签发的协助冻结存款通知书，法律、行政法规规定应当由有权机关主要负责人签字的，应当由主要负责人签字；
- （三）人民法院出具的冻结存款裁定书、其它有权机关出具的冻结存款决定书。  
(相关资料:实务指南)

**第十条** 办理协助扣划业务时，金融机构经办人员应当核实以下证件和法律文书：

- （一）有权机关执法人员的工作证件；
- （二）有权机关县团级以上机构签发的协助扣划存款通知书，法律、行政法规规定应当由有权机关主要负责人签字的，应当由主要负责人签字；
- （三）有关生效法律文书或行政机关的有关决定书。  
(相关资料:实务指南)

**第十一条** 金融机构在协助冻结、扣划单位或个人存款时，应当审查以下

the following contents:

- (1) the name, identification and account of the financial institution where the entity or individual whose deposits need to be frozen or deducted opens its or his account as filled in the "notice on offering assistance in the freeze or deduction of deposits", as well as the amounts in both capitalization and minuscule;
- (2) whether the obligor mentioned in the notice on the assistance to freeze or deduction of deposits is identical with that in the legal document as the basis; and
- (3) whether the amount to be frozen or deducted mentioned in the notice on offering assistance in the freeze or deduction of deposits is accurate. If it finds that there is a lack of legal documents that should be attached or the relevant contents in the legal documents are not consistent with those in the notice on offering assistance to the freeze or deduction of deposits, it shall explain the reasons and return the "notice on offering assistance in the freeze or deduction of deposits" or the legal documents as attached.
- In case the competent organ can not provide the account of an individual depositor, the financial institution shall request the competent organ to provide the number of identification card of the said depositor or any other information that is enough for determining the said individual deposit account.

Article 12 A financial institution shall, according to the rules for internal control system, establish and perfect a registration system for assisting the inquiry, freeze and deduction of deposits.

When offering assistance to the competent organ in handling the formalities for the inquiry, freeze or deduction of deposits, a financial institution shall register the following conditions: the name of the competent organ, names and numbers of certificates of law enforcers, names of assisting personnel of the financial institution, name or title of the entity or individual whose deposits are inquired about, frozen or deducted, time when the assistance is offered in the inquiry, freeze or deduction of deposits, the amount of money to be inquired about, frozen or deducted, titles and document numbers of relevant legal documents, and the assistance results, etc.

A registration form shall be filled in during the course of assistance in the inquiry, freeze or deduction of deposits, and be signed by the law enforcers of the competent organ as well as the assisting personnel of the financial institution.

The financial institution shall properly keep the registration form and strictly keep the relevant state secrets.

In case verification, authorization or examination and approval involved in the internal control system is required when the financial institution assists the inquiry, freeze or deduction of deposits, the financial institution shall timely handle the relevant formalities in strict accordance with the internal control system, and shall not delay or shuffle it.

Article 13 In case the formalities for a competent organ to inquiry about, freeze or deduct deposits are complete, the financial institution shall seriously assist it, and shall not, upon receipt of a notice on the assistance to freeze or deduction of deposits, deduct the money to be disposed of under assistance so as to collect loans or interests or divulge secret information to the entity or individual whose deposits will be inquired about, frozen or deducted, or help to hide or transfer the deposits.

In case the competent organ requests for keeping confidential after the financial institution has assisted the competent organ to complete the formalities for inquiry about deposits, the financial institution shall keep secrets confidential, and can notify it to the depositing entity or individual according to the requirements of the business after it has assisted the competent organ to complete the formalities for inquiry about deposits.

Article 14 The materials inquired about by the competent organ under assistance of a financial institution shall be limited to the materials about deposits, and include the conditions on the account opening and deposits of the entity or individual under inquiry as well as the accounting vouchers, account books and other materials about the deposits. As to the said materials, the financial institution shall provide

内容:

- (一) "协助冻结、扣划存款通知书"填写的需被冻结或扣划存款的单位或个人开户金融机构名称、户名和账号、大小写金额;
- (二) 协助冻结或扣划存款通知书上的义务人应与所依据的法律文书上的义务人相同;
- (三) 协助冻结或扣划存款通知书上的冻结或扣划金额应当是确定的。如发现缺少应附的法律文书, 以及法律文书有关内容与"协助冻结、扣划存款通知书"的内容不符, 应说明原因, 退回"协助冻结、扣划存款通知书"或所附的法律文书。
- 有权机关对个人存款户不能提供账户的, 金融机构应当要求有权机关提供该个人的居民身份证号码或其它足以确定该个人存款账户的情况。
- (相关资料:实务指南)

**第十二条** 金融机构应当按照内部控制制度的规定建立和完善协助查询、冻结和扣划工作的登记制度。

金融机构在协助有权机关办理查询、冻结和扣划手续时, 应对下列情况进行登记: 有权机关名称, 执法人员姓名和证件号码, 金融机构经办人员姓名, 被查询、冻结、扣划单位或个人的名称或姓名, 协助查询、冻结、扣划的时间和金额, 相关法律文书名称及文号, 协助结果等。

登记表应当在协助办理查询、冻结、扣划手续时填写, 并由有权机关执法人员和金融机构经办人签字。

金融机构应当妥善保存登记表, 并严格保守有关国家秘密。

金融机构协助查询、冻结、扣划存款, 涉及内部控制制度中的核实、授权和审批工作时, 应当严格按内部控制度及时办理相关手续, 不得拖延推诿。

(相关资料:实务指南)

**第十三条** 金融机构对有权机关办理查询、冻结和扣划手续完备的, 应当认真协助办理。在接到协助冻结、扣划存款通知书后, 不得再扣划应当协助执行的款项用于收贷收息, 不得向被查询、冻结、扣划单位或个人通风报信, 帮助隐匿或转移存款。

金融机构在协助有权机关办理完毕查询存款手续后, 有权机关要求予以保密的, 金融机构应当保守秘密。金融机构在协助有权机关办理完毕冻结、扣划存款手续后, 根据业务需要可以通知存款单位或个人。

(相关资料:实务指南)

**第十四条** 金融机构协助有权机关查询的资料应限于存款资料, 包括被查询单位或个人开户、存款情况以及与存款有关的会计凭证、账簿、对账单等资料。对上述资料, 金融机构应当如实提供, 有权机关根据需要可以抄录、复

them faithfully, and the competent organ can excerpt, reprint or photograph them when necessary, but shall not take the originals away.  
If the financial institution has paid costs for assisting to photocopy deposit materials, it can collect the costs according to the relevant provisions.

Article 15 In case the competent organ only provides the name of the entity under inquiry but has not provided the account when inquiring about the deposits of an entity, the financial institution shall actively assist the inquiry according to the accounts management archives, and faithfully notify it to the competent organ if there is no account under inquiry.

Article 16 The maximum term for the freeze of deposits of an entity or individual shall be six months, and the freeze can be extended upon expiration. The competent organ shall handle the formalities for the extension of freeze before the expiration of the term for freeze, otherwise, it shall be regarded as having discharged the measure of freeze automatically.

Article 17 In case a competent organ requests for freezing the frozen deposits again, the financial institution shall not handle it and explain the reasons.

Article 18 During the term of freeze, only after the competent organ that has originally made the decision on the freeze of deposits makes a decision on discharging the freeze and issues a notice on discharging the freeze of deposits, can the financial organ discharge the frozen deposits. If the entity or individual whose deposits have been frozen objects to the freeze, the financial institution shall tell it or him to contact with the competent organ that has made the decision on the freeze, and it shall not discharge the freeze at its own free will within the term for freeze of deposits.

Article 19 In case the competent organ makes a mistake in the freeze of deposits or the discharge of freeze, and the organ at the higher level directly makes a decision or ruling on alteration, the financial institution shall handle it upon receipt of the decision or ruling on alteration.

Article 20 A financial institution shall, when offering assistance in the deduction of deposits, directly transfer the deducted deposits into an account designated by the competent organ. If the competent organ requests for withdrawing the cash, the financial institution shall not assist it.

Article 21 The notices on the inquiry, freeze or deduction of deposits as well as the notices on the discharge of freeze or deduction shall be served by the law enforcers of competent organs, and a financial institution shall not accept any said notice served by a person other than the law enforcers of competent organs.

Article 22 Where there are two or more competent organs that take the measure of freeze or deduction on the same sum of deposits of a same entity or individual, the financial institution shall assist the competent organ that serves the notice on freeze or deduction of deposits at first to handle the formalities for freeze or deduction of deposits.  
Where there is a dispute between two or more competent organs over the specific measure for the financial institution to assist the freeze or deduction, the financial institution shall handle it according to the consultation opinions of the disputing organs.

Article 23 The power to interpret these Provisions shall remain with the People's Bank of China.

Article 24 These Provisions shall come into force as of February 1, 2002.

Attached Table: Table of Law Enforcement Organs That Have the Power to Inquire about, Freeze and Deduct the Deposits of Entities and Individuals

制、照相，但不得带走原件。  
金融机构协助复制存款资料等支付了成本费用的，可以按相关规定收取工本费。  
(相关资料:实务指南)

**第十五条** 有权机关在查询单位存款情况时，只提供被查询单位名称而未提供账号的，金融机构应当根据账户管理档案积极协助查询，没有所查询的账户的，应如实告知有权机关。  
(相关资料:实务指南)

**第十六条** 冻结单位或个人存款的期限最长为六个月，期满后可以续冻。有权机关应在冻结期满前办理续冻手续，逾期未办理续冻手续的，视为自动解除冻结措施。  
(相关资料:实务指南)

**第十七条** 有权机关要求对已被冻结的存款再行冻结的，金融机构不予办理并应当说明情况。  
(相关资料:实务指南)

**第十八条** 在冻结期限内，只有在原作出冻结决定的有权机关作出解冻决定并出具解除冻结存款通知书的情况下，金融机构才能对已经冻结的存款予以解冻。被冻结存款的单位或个人对冻结提出异议的，金融机构应告知其与作出冻结决定的有权机关联系，在存款冻结期限内金融机构不得自行解冻。  
(相关资料:实务指南)

**第十九条** 有权机关在冻结、解冻工作中发生错误，其上级机关直接作出变更决定或裁定的，金融机构接到变更决定书或裁定书后，应当予以办理。  
(相关资料:实务指南)

**第二十条** 金融机构协助扣划时，应当将扣划的存款直接划入有权机关指定的账户。有权机关要求提取现金的，金融机构不予协助。  
(相关资料:实务指南)

**第二十一条** 查询、冻结、扣划存款通知书与解除冻结、扣划存款通知书均应由有权机关执法人员依法送达，金融机构不接受有权机关执法人员以外的人员代为送达的上述通知书。  
(相关资料:实务指南)

**第二十二条** 两个以上有权机关对同一单位或个人的同一笔存款采取冻结或扣划措施时，金融机构应当协助最先送达协助冻结、扣划存款通知书的有权机关办理冻结、扣划手续。  
两个以上有权机关对金融机构协助冻结、扣划的具体措施有争议的，金融机构应当按照有关争议机关协商后的意见办理。  
(相关资料:实务指南)

**第二十三条** 本规定由中国人民银行负责解释。  
(相关资料:实务指南)

**第二十四条** 本规定自2002年2月1日起施行。

Annotation: The organs as mentioned in this Table are those that have the power to inquire about, freeze or deduct deposits as clearly prescribed in the relevant laws or administrative regulations promulgated before the implementation of the Provisions on the Administration of Financial Institutions' Assistance in the Inquiry, Freeze or Deduction of Deposits. If there are new prescriptions in any law or administrative regulation after the implementation of these Provisions, such prescriptions shall prevail.

参见中文附表(1)

(相关资料:实务指南)

Name of Organ	Inquiry	Freeze	Deduction			
Entity	Individual	Entity	Individual	Entity	Individual	
People's court	Competent	Competent	Competent	Competent	Competent	Competent
Taxation authority	Competent	Competent	Competent	Competent	Competent	Competent
Customs house	Competent	Competent	Competent	Competent	Competent	Competent
People's procuratorate	Competent	Competent	Competent	Competent	Incompetent	Incompetent
Public security organ	Competent	Competent	Competent	Competent	Incompetent	Incompetent
State security organ	Competent	Competent	Competent	Competent	Incompetent	Incompetent
Security department of the army	Competent	Competent	Competent	Competent	Incompetent	Incompetent
Prison	Competent	Competent	Competent	Competent	Incompetent	Incompetent
Smuggling investigation organ	Competent	Competent	Competent	Competent	Incompetent	Incompetent
Supervisory organ (including the supervisory organ of the army)	Competent	Competent	Incompetent	Incompetent	Incompetent	Incompetent
Audit organ	Competent	Incompetent	Incompetent	Incompetent	Incompetent	Incompetent
Industrial and commercial administrative organ	Competent	Incompetent	Clearing suspension	Clearing suspension	Incompetent	Incompetent
Securities regulatory organ	Competent	Incompetent	Incompetent	Incompetent	Incompetent	Incompetent

[illegible]